

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ish-Horowicz et al.

Application No.: To be assigned, divisional  
application of Serial No. 08/981,392, filed  
December 22, 1997

Art Unit: To be assigned

Filed: on even date herewith

Examiner: To be assigned

For: **ANTIBODIES TO VERTEBRATE  
DELTA PROTEINS AND  
FRAGMENTS (as amended)**

Attorney Docket No.: 7326-122

**DECLARATION UNDER 37 C.F.R. § 1.68 AND M.P.E.P. 608.01(p)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.68 and M.P.E.P. 608.01(p), the undersigned  
Attorney representing the Applicants of the above-identified application declares as follows:

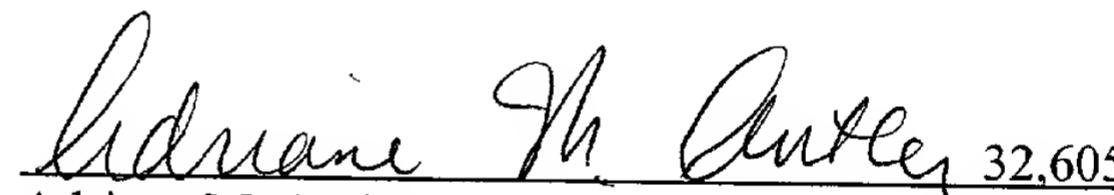
1. The following two references were each incorporated by reference into the specification of the above-identified application as filed at page 29, lines 23-30 and page 30, line 21:
  - a) Kohler and Milstein, 1975, *Nature* 256:495-497,
  - b) Kozbor et al., 1983, *Immunology Today* 4:72-79,
  - c) Huse et al., 1989, *Science* 246:1275-1281.
2. In the Preliminary Amendment under 37 C.F.R. § 1.115 filed concurrently herewith in connection with the above-identified application, certain text from each of these references has been inserted into the specification by amendment at page 29, line 26, page 29, line 28, page 29, line 33 and page 30, line 21. Specifically, Kozbor et al., 1983, *Immunology Today* 4:72-79 was incorporated by reference at page 29, lines 26 and 33 of the specification with respect to the description, at page 29, lines 23-30, for types of production of antibody molecules by continuous cell lines. The actual text of the first sentence of the Abstract at page 72, and the actual text of the first two sentences of the section entitled *Selection of antigen-specific cells* on page 76, left column have been inserted into the specification on page 29, lines 26 and 33, respectively.
3. Additionally, Köhler and Milstein, 1975, *Nature* 256:495-497 was incorporated by reference at page 29, line 28 of the specification with respect to the description, at page 29, lines 23-30, for types of production of antibody molecules by continuous cell lines. The actual text of a sentence on page 495, left column, has been inserted into the specification on page 29, line 28.

4. Further, Huse et al., 1989, Science 246:1275-1281 was incorporated by reference at page 30, line 21 of the specification with respect to the description, at page 30, lines 13-21, for the production of phage Fab expression libraries. The same subject matter as in the text from page 1277, left column, to page 1278, right column, has been inserted into the specification on page 30, line 21.

5. I hereby state that the amendatory material referred to in Paragraphs 2-4, above, that has been inserted into the specification at page 29, line 26, page 29, line 28, and page 29, line 33, consists of the same material incorporated by reference in the application as filed at page 29, lines 23-30, and the amendatory material referred to in Paragraphs 2-4, above, that has been inserted into the specification at page 30, line 21, consists of the same material incorporated by reference in the application as filed at page 30, lines 13-21.

6. I declare further that all statements made in this Declaration of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date February 15, 2001

  
Adriane M. Antler 32,605  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090

DECLARATION  
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## NUCLEOTIDE AND PROTEIN SEQUENCES OF VERTEBRATE DELTA GENES AND METHODS BASED THEREON

and for which a patent application:

is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)  
 was filed in the United States on December 22, 1997 as Application No. 08/981,392 (for declaration not accompanying application)  
 with amendment(s) filed on \_\_\_\_\_ (if applicable)  
 was filed as PCT international Application No. PCT/US96/11178 on June 28, 1996 and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/000,589	June 28, 1995

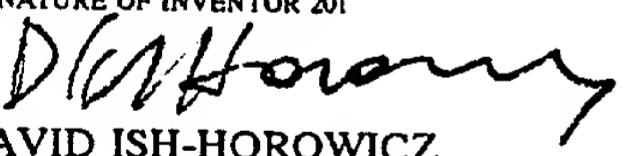
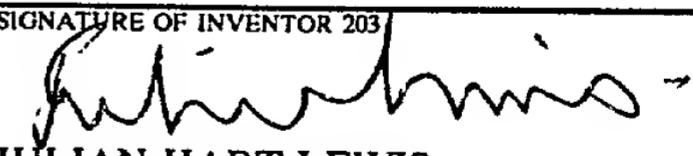
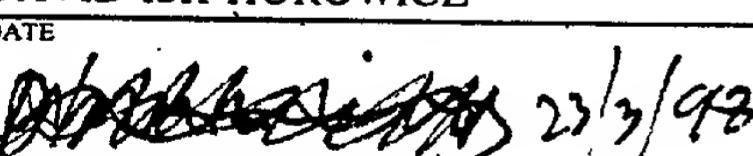
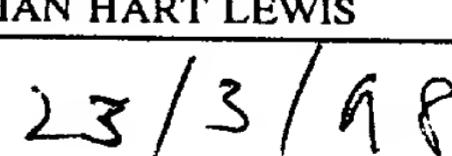
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POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), Mark A. Farley (Reg. No. 33170), and James G. Markey (Reg. No. 31636), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

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2 0 1	FULL NAME OF INVENTOR	LAST NAME ISH-HOROWICZ	FIRST NAME DAVID	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY OXFORD	STATE OR FOREIGN COUNTRY ENGLAND	COUNTRY OF CITIZENSHIP UNITED KINGDOM	
	POST OFFICE ADDRESS	STREET 2 LOWER FISHER ROW	CITY OXFORD	STATE OR COUNTRY ENGLAND	ZIP CODE OX1 1JY
2 0 2	FULL NAME OF INVENTOR	LAST NAME HENRIQUE	FIRST NAME DOMINGOS	MIDDLE NAME MANUEL PINTO	
	RESIDENCE & CITIZENSHIP	CITY QUEIJAS	STATE OR FOREIGN COUNTRY PORTUGAL	COUNTRY OF CITIZENSHIP PORTUGAL	
	POST OFFICE ADDRESS	STREET RUA SAO JOAO BOSCO, 4	CITY QUEIJAS	STATE OR COUNTRY PORTUGAL	ZIP CODE 2795
2 0 3	FULL NAME OF INVENTOR	LAST NAME LEWIS	FIRST NAME JULIAN	MIDDLE NAME HART	
	RESIDENCE & CITIZENSHIP	CITY OXFORD	STATE OR FOREIGN COUNTRY ENGLAND	COUNTRY OF CITIZENSHIP UNITED KINGDOM	
	POST OFFICE ADDRESS	STREET 60 SANDFIELD ROAD	CITY OXFORD	STATE OR COUNTRY ENGLAND	ZIP CODE OX3 7RJ
2 0 4	FULL NAME OF INVENTOR	LAST NAME ARTAVANIS-TSAKONAS	FIRST NAME SPYRIDON	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY HAMDEN	STATE OR FOREIGN COUNTRY CONNECTICUT	COUNTRY OF CITIZENSHIP UNITED STATES OF AMERICA	
	POST OFFICE ADDRESS	STREET 192 RIDGEWOOD AVENUE	CITY HAMDEN	STATE OR COUNTRY CONNECTICUT	ZIP CODE 06517
2 0 5	FULL NAME OF INVENTOR	LAST NAME GRAY	FIRST NAME GRACE	MIDDLE NAME E.	
	RESIDENCE & CITIZENSHIP	CITY NEW HAVEN	STATE OR FOREIGN COUNTRY CONNECTICUT	COUNTRY OF CITIZENSHIP UNITED STATES OF AMERICA	
	POST OFFICE ADDRESS	STREET 815 WHITNEY AVENUE, APT. 4	CITY NEW HAVEN	STATE OR COUNTRY CONNECTICUT	ZIP CODE 06511

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SIGNATURE OF INVENTOR 201  DAVID ISH-HOROWICZ	SIGNATURE OF INVENTOR 202 DOMINGOS M.P. HENRIQUE	SIGNATURE OF INVENTOR 203  JULIAN HART LEWIS
DATE 	DATE	DATE 
SIGNATURE OF INVENTOR 204 SPYRIDON ARTAVANIS-TSAKONAS	SIGNATURE OF INVENTOR 205 GRACE E. GRAY	
DATE	DATE	

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203	FULL NAME OF INVENTOR	LAST NAME LEWIS	FIRST NAME JULIAN	MIDDLE NAME HART	
	RESIDENCE & CITIZENSHIP	CITY OXFORD	STATE OR FOREIGN COUNTRY ENGLAND	COUNTRY OF CITIZENSHIP UNITED KINGDOM	
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205	FULL NAME OF INVENTOR	LAST NAME GRAY	FIRST NAME GRACE	MIDDLE NAME E.	
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DATE	DATE 27-3-98	DATE
SIGNATURE OF INVENTOR 204  SPYRIDON ARTAVANIS-TSAKONAS	SIGNATURE OF INVENTOR 205  GRACE E. GRAY	
DATE	DATE	

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SIGNATURE OF INVENTOR 204  SPYRIDON ARTAVANIS-TSAKONAS  DATE 4/4/98	SIGNATURE OF INVENTOR 205  GRACE E. GRAY  DATE 4/4/98	